APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,011	12/20/2000	Kazuyoshi Serizawa	NIT-245	4264

			EXAMINER
24956	7590	04/15/2004	YUSSUF, SAJID

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ART UNIT	PAPER NUMBER
2141	5

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application	Applicant(s)
Office Action Summary	09/740,011	SERIZAWA ET AL.
	Examiner	Art Unit
	Sajid A Yussuf	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12/20/2000-03/14/2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-15_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _1-15_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 December 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _2 12/20/2000_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Priority

1.   Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been received.

Specification

2.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Claim Objections

3.   Claims 6 objected to because of the following informalities:

        a.   As per claim 6 Line 14 "determined" should respectfully be corrected to

"determine"

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by
another filed in the United States before the invention thereof by the applicant for
patent, or on an international application by another who has fulfilled the
requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the
invention thereof by the applicant for patent.

5.   The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of

1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act

of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from

an international application filed before November 29, 2000. Therefore, the prior art date of

the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-

AIPA 35 U.S.C. 102(e)).

6.   *Claim(s) 1-15 is/are rejected under 35 U.S.C. 102(e) as being anticipated by*
Beardsley et al. (US Patent No. 6,304,980 and Beardsley hereinafter)

7.   As per claim(s) 1,10,13 Beardsley discloses a computer system (See Figure 1)
including a first computer node (element 118) and a second computer node (element 119)
connected to said first computer node, (See Figure 1) first storage area for storing data
records, (See Column 1 Lines 50-60); first processor for storing data record to said first
storage area asynchronously with said second computer node with the free time interval,
(See Column 8 Lines 55-67 & Column 9 Lines 1-20); second storage area (i.e., copy) for
storing the data records copied from said first storage area, (See Column 2 Lines 6-19); and
second processor for designating the record group to be read from said first storage area
with the free time interval asynchronously with said first processor and then reading said
record group to said second storage area for the purpose of input, (See Column 9 Lines 20-
62).

8.   As per claim(s) 2 Beardsley teaches the claimed invention as described in claim(s) 1
above and furthermore discloses first storage area is allocated within said first computer
node, (See Column 7 Lines 35-59).

9.   As per claim(s) 3 Beardsley teaches the claimed invention as described in claim(s) 1-
2 above and furthermore discloses second storage area is allocated within said second
computer node, (See Column 7 Lines 60-67).

10.   4 . As per claim(s) 4 Beardsley teaches the claimed invention as described in claim(s)
1-3 above and furthermore discloses first storage area is allocated within an external storage
device connecting with each other said first computer node and said second computer node;
wherein a DASD is an external storage device, (See Column 7 Lines 64-67 & Column 8 Lines
1-10).

11.   5 . As per claim(s) 5 Beardsley teaches the claimed invention as described in claim(s) 1-4 above and furthermore discloses second computer node is provided with a timer for starting said second processor with a constant time interval to read the data to said second storage area from said first storage area; wherein in primary node is similar to secondary node, (See Column 8 Lines 56-67 & Column 9 Lines 1-14).

12.   As per claim(s) 6 Beardsley teaches the claimed invention as described in claim(s) 1-5 above and furthermore discloses first processor stores said data record to said first storage area by giving an identifier number indicating the sequence of storing of said data record, said first storage area includes a plurality of entries to store the set of said identifier number and data record to read the data from said entry in the inverse direction to the direction to write the data to said entry with said first processor, and said second processor refers to the data in said first storage area copied to said second storage area in order to determined whether the relevant data record is correct or not depending on said identifier number, (See Column 13 Lines 54-67 & Column 1 Lines 1-42).

13.   As per claim(s) 7 Beardsley teaches the claimed invention as described in claim(s) 1-6 above and furthermore discloses first processor writes the identifier number of the relevant data record after having written said data record and said second processor determines that the relevant data record is correct when said identifier number of the data read to said second storage area has continuity but the relevant data record is incorrect when said identifier number does not have continuity, (See Column 14 Lines 23-42).

14.   As per claim(s) 8 Beardsley teaches the claimed invention as described in claim(s) 1-7 above and furthermore discloses first processor further includes an error checking code generator for generating an error checking code for said data record to write said data record and said error checking code to said first storage area and said second processor checks an

error, with said error checking code, of the data read to said second storage area and determines that the relevant data record is correct when no error is checked or incorrect when an error is checked; wherein a switch occurs as a result of an error on the primary device, and furthermore if the error occurs on the secondary device the control goes back to the primary device and therefore causing a permanent error, (See Column 20 Lines 1-29).

15.   As per claim(s) 9 Beardsley teaches the claimed invention as described in claim(s) 1-8 above and furthermore discloses first storage area includes a plurality of entries for storing a set of said error checking code and data record to read the data in the inverse direction to the direction to write the data to said entry with said first processor, (See Column 17 Lines 20-39).

16.   As per claim(s) 11 Beardsley discloses storing the data formed of one or more records to said first storage area in the desired time interval during operation on said first computer node, (See Column 8 Lines 56-67 & Column 9 Lines 1-13); and referring to the designated data, through the copying in said second storage area, of said first storage area using said communication means in the desired time interval during operation on said second computer node, (See Column 9 Lines 13-37).

17.   As per claim(s) 12 Beardsley discloses storing the data formed of one or more records in said second storage area using said communication means in the desired time interval during operation on said first computer node, (See Column 8 Lines 56-67 & Column 9 Lines 1-13); and referring to said data in the second area in the desired time interval during operation on said second computer node, (See Column 9 Lines 13-37).

18.   14. As per claim(s) 14 Beardsley teaches the claimed invention as described in claim(s) 11 above and furthermore discloses first storage area includes a plurality of entries wherein a set of identifier number and data record is stored, operates on said first computer

node, writes said identifier number of the relevant data record after writing said data record and then reads said data record from said entry in the inverse direction to the direction to write data record to said entry, (See Column 13 Lines 54-67); and (i.e., checks to see if currently operating) step for referring to the data in said first storage area copied to said second storage area and determining that relevant data record is correct when said identifier number of the data read to said second storage area has continuity or incorrect when said identifier number does not have continuity during operation on said second computer node, (See Column 14 Lines 1-35).

19.   15. As per claim(s) 15 Beardsley teaches the claimed invention as described in claim(s) 11 & 14 above and furthermore discloses first storage area includes a plurality of entries to which a set of the error checking code and data record is stored, (i.e., stored in maintenance log), operates on said first computer node, writes said data record and its error checking code to said first storage area and reads the data record from said entry in the direction identical to the direction to write data record to said entry, (See Column 17 Lines 20-39); and step for checking an error with said error checking code for the data read to said second storage area and determines that relevant data record is correct when no error is detected or is incorrect when an error is checked during operation on said second computer node, (See Column 14 Lines 14-42).

Conclusion

20.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

b.   Johnson et al. (US Patent No. 5,813,009) discloses computer based records management system method;

c.   Simpson, III (US Patent No. 6,542,941) discloses efficient command delivery and data transfer; and

d.   Kern et al. (US Patent No. 6,484,187) discloses coordinating remote copy status changes across multiple logical sessions to maintain consistency;

21.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajid A Yussuf whose telephone number is (703) 305-8752. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM and Alternate Fridays.

22.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

23.   Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajid Yussuf
Patent Examiner
Technology center 2100
13 April 2004

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER

RUPAL DHARIA
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